

**REMARKS**

Claims 1-26 are pending in the application. Applicants have amended claims 2, 12, and 14 and no claims have been canceled or added. Therefore, claims 1-26 remain pending of which claims 1-6, 11-16, 21, and 24-26 are presented for consideration.

This Supplemental Amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

The Office communication dated November 16, 2004, (hereafter “Office communication”) states that rejection of claim 2 under 35 U.S.C. §112, second paragraph, in paragraph 10(b) of the previous Office Action dated May 7, 2004, has not been addressed with reasons in the previous Amendment and Reply filed on August 6, 2004. Applicants respectfully traverse this statement for the following reasons.

As noted in the Office communication, the previous Amendment and Reply stated with respect to this rejection that “applicants submit that the claim 2 is in proper format under U.S. *claim drafting practice* since it further qualifies (or limits) the “determining” limitation in claim 1.” Applicants believe that this argument was fully responsive to the applied rejection since it clarified that limitations in claim 2 further qualified the determining step recited in claim 1 by adding further limitations or substeps to the determining step actions recited in claim 1. The use of the “comprising” term is well known in *claim drafting practice* to have an open-ended meaning<sup>1</sup> implying that the limitations in claim 2 with respect to the determining step were in addition to any limitations of the determining step recited in claims 1 (and not in place of). Therefore, applicants submit that the pending claim 2 was in definite form and met the requirements of 35 U.S.C. §112, second paragraph. Furthermore, the previous reply provided the reasons why it met the definiteness requirements based on standard claim drafting practice interpretation of comprising specifying an open ended recitation of substeps in claim 2 that further qualified the actions of the determining step recited in claim 1.

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<sup>1</sup> See, e.g., *Moleculon Research Corp. v. CBS, Inc.*, 793 F.2d 1261 (Fed. Cir. 1986) and other cases cited in MPEP §2111.03.

Applicants have amended claim 2 herein to improve the readability of claim 2 and this amendment is not believed to substantively narrow the scope of this claim. Likewise, claims 12 and 14 have also been amended to improve their readability and not to narrow the scope of these claims in any way.

In view of the foregoing amendments and remarks, applicants submit that the application is now in condition for allowance. If there are any questions regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5485

Facsimile: (202) 672-5399

By Aaron C. Chatterjee

William T. Ellis

Registration No. 26,874

Aaron C. Chatterjee

Registration No. 41,398

Attorneys for Applicants